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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/606,739 | 06/27/2003 | Bor-Haw Chang | CHAN3204-EM | 5327 |
| 23364 | 7590 | 07/11/2005 | EXAMINER | |
| BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314 | | | TRIEU, THERESA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3748 | |

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,739

Applicant(s)

CHANG ET AL.

Examiner

Theresa Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to the applicants' election filed on April 22, 2005.

Election/Restrictions

1. Applicants' election without traverse of the species of Figs. 1-7, claims 1-3, 7, 9 and 11 being readable, in the reply filed on April 22, 2005 is acknowledged.

Claims 4-6, 8 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim. Election was made **without** traverse filed on April 22, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Amr (Patent Number 6,045,327) or Lin et al. (Lin) (Patent Number 6,406,258).

Regarding claims 1 and 11, Amr (as shown in Fig. 1) or Lin (as shown in Figs. 1-4) discloses an outlet airflow direction control unit, comprising:

a frame (30 in Amr; 11 in Lin) having an inlet (30a in Amr), an outlet (30b in Amr), and a peripheral wall (not numbered; however, clearly seen in Fig. 1 in Amr and Figs. 1-3 in Lin), said outlet being provided on the peripheral wall with a plurality of radially, inwardly projected fluid control elements (20, 22 in Amr; 14 in Lin) being located adjacent to the outlet on an inner surface of the frame,

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a fan (10 in Amr; not numbered; however, clearly seen in Fig. 1 in Lin) being supported in said frame (30 in Amr; 1 in Lin), and disconnected from the fluid control elements (20, 22 in Amr; 14 in Lin);

wherein said fan being rotatable to direct an amount of fluid into and out of said frame via said inlet and said outlet, respectively, said fluid control elements (20, 22 in Amr; 14 in Lin) provided in said frame, downstream from the fan, to control a flow direction of said fluid flowing out of said outlet.

Regarding claims 2, 3 and 9, Arm or Lin discloses the fluid control elements are control blades (22 in Amr) or ribs (14 in Lin); the fan including a hub (11 in Amr; 2 in Lin), and said fluid control elements (20, 22 in Amr; 14 in Lin) to direct said fluid radially inward behind the hub when flowing out of the outlet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin '258 in view of design choice.

Lin discloses the invention as recited above; however, Lin fails to disclose the control blades being as one of the T-shaped, L-shaped, and reverse L-shaped. It is examiner's position that one having ordinary skill in the rotary compressor art, would have found it obvious to utilize the shape of the control blades, since they are merely design parameters, depending on temperature, pressure, or stress acted/applied on the control blades or depending on for being used for a particular purpose, or solving a stated problem. Moreover, there is nothing in the record which establishes that the claimed the blades being T-shaped or L-shaped or reverse L-shaped under such conditions, presents a novel of unexpected result (See *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of two patents: Rao (U.S. Patent Number 3,883,264) and Kohama et al. (U.S. Patent Number 4,895,489), each further discloses a state of the art.

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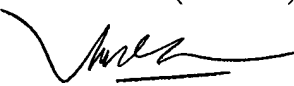
Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
July 7, 2005


Theresa Trieu
Primary Examiner
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